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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 241,450	02 02 1999	JOHN O. RUID	1-8380	8758

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-19

# Office Action Summary

Application No.

09/24/450

Applicant(s)

Ruid et al.

Examiner

John Guaricello

Group Art Unit

1797

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10, 29-36 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10, 29-36 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 16
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

15. The Examiner acknowledges papers # 14-18, the petition under 1.313(c)(2), the RCE, and the IDS of 3/21/2003; the petition granted for 3/21/2003, and the withdrawal memo of 3/24/2003. The Examiner notes for the record that there are missing dates on documents submitted with the IDS, see page 3, documents AT, AU, AW, AX AZ BB; page 4, documents BT and BU. Please correct.

### *Claim Rejections - 35 USC § 112*

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claims 32 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 32, line 1, it is not clear what the term "body" refers in claim 31 because claim 31 states a body **layer**. It is the Examiner's position that correct antecedent basis would state the claim with **body layer**.

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In claim 34, line 1, it is not clear what the term "body" refers in claim 30, since claim 30 states **body layer**. This lack of correct antecedent basis can be remedied as stated in the reason for claim 32.

***Claim Rejections - 35 USC § 103***

18. Claims 1-10, 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuller, Elati-glass fiber mat R3100B in view of Levine et al. 4,389,587.

Schuller describes elati-glass mats are treated with acrylic resin (corresponding to the cover layer of the claimed invention) system, (first paragraph of the document). Schuller describes these are nonwoven mats of glass fibers (corresponding to the body layer of the claimed invention) randomly dispersed into a web in a wet laid process, (first paragraph of the document). Schuller differs from the claimed invention because it is silent about thickness dimension and relative thickness of the body layer in relation to the cover layer.

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Levine describes an insulation sleeving which when laid flat would encompass the aspects of the composite of the claimed invention, thus it would solve the same problem as the claimed invention and would not be non-analogous art. Levine describes an insulating layer of fiberglass, (column 2, lines 9-11) which corresponds to the claimed body layer of the claimed invention. Levine describes the polymer coating which is an acrylic polymer (which corresponds to the cover layer of the claimed invention) which is impregnated (corresponding to the embedding of the claimed invention), (column 2, lines 35-68; column 3, lines 24-26). Levine describes the thickness of the layer to be about 0.02 to 0.13 cm which is about 0.2mm to about 1.3 mm, (column 3, lines 1-18) which encompasses the claimed invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the body layer and the cover layer of Levine with the thickness parameter for the material mat of Schuller motivated with the expectation that the improved composite would exhibit

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better thermal properties of insulation as noted in Levine, (column 3, lines 8-9).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

John J. Guarriello:gj

Patent Examiner

April 15, 2003



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
RECEIVED CENTER 1700